

Mayor Joseph S. Kroll
Vice President Jay G. Foy
Council Member Henry "Butch" Lynch
Assistant Town Administrator / Town Clerk Janice C. Rutan
Town Attorney John Foster
Council President James E. Woods
Council Member Jerry E. Beavers
Council Member Mark C. Uptegraph



TOWN COUNCIL REGULAR MEETING

**Town Council Meeting
Town Hall Council Chambers
Thursday ~ March 27, 2008**

7:00 p.m.

AGENDA

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PROCLAMATIONS AND PRESENTATIONS:**
- VI. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of Minutes of the March 13, 2008 Regular Meeting**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. REGULAR AGENDA AND FIRST READINGS**
 - a. Amendment No. 2 to the Lease Agreement between the Town of Haverhill and AT&T**
- X. SECOND READINGS AND PUBLIC HEARING**
- XI. REPORTS**
 - a. Town Attorney**
 - b. Consultants**
 - c. Mayor's Report**
 - i. Appointments to Boards & Committees**
 - d. Assistant Town Administrator/Town Clerk**
 - e. Committee/Delegate Report**
 - f. Treasurer's Report**
- XII UNFINISHED BUSINESS**
- XIII NEW BUSINESS**
- XIV ADJOURNMENT**

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Assistant Town Administrator and Town Clerk, at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

TOWN COUNCIL REGULAR MEETING
Town Council Meeting
Town Hall Council Chambers
Thursday ~ March 27, 2008
7:00 p.m.
OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, March 27, 2008 at the Town Hall, 4585 Charlotte Street, Haverhill, FL. Those present were: Joseph S. Kroll, Mayor; James E. Woods, Council President; Jay G. Foy, Council Vice President; Jerry E. Beavers, Council Member; Henry Lynch, Council Member; Mark C. Uptegraph, Council Member; John Foster Town Attorney; Janice C. Rutan, Town Clerk and Joseph Roche, Code Enforcement Officer.

CALL TO ORDER

Council President Woods called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Woods offered the Invocation and led in the Pledge of Allegiance.

ROLL CALL

The Town Clerk called the Roll. All members were present.

PROCLAMATIONS AND PRESENTATIONS:

None.

APPROVAL OF THE AGENDA:

There being no additions, deletions or substitutions, the agenda was ordered approved as presented.

APPROVAL OF THE CONSENT AGENDA

Approval of Minutes of the March 13, 2008 Regular Meeting
A motion was made by Council Vice President Foy, seconded by Council Member Lynch and unanimously passed to approve the Consent Agenda as presented.

COMMENTS FROM THE PUBLIC:

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Deputy Sergeant Newborne addressed the Town Council. He reported that other than domestic issues and traffic stops, the Town of Haverhill experienced very little crime for the period March 13, 2008 through March 27, 2008.

A discussion followed concerning the recently annexed area of Cyprus and Park Lanes. Presently that area lies in District 3 and the rest of the Town of Haverhill is within District 1. Joseph Roche reported that he had been in contact with Captain Miles regarding the boundaries.

REGULAR AGENDA AND FIRST READINGS

Amendment No. 2 to the Lease Agreement between the Town of Haverhill and AT&T

Attorney Foster addressed the Town Council. Because there were outstanding issues concerning the location of the additional antennas and the number of tiers to be placed on the present tower, Attorney Foster recommended that the Town Council postpone any action on the proposed lease agreement to April 10, 2008.

Mr. Foster suggested that the lease amendment contain a stipulation limiting the number of tiers allowed on the tower.

Attorney Foster did clarify that the amendment included a clause that would require the rent to be paid annually in advance, and that the rent agreed upon during the remainder of five year lease (January 2010) term be guaranteed. In the initial five year lease, the rent had been guaranteed which was a standard clause in all of the Town's lease agreements. He noted that there was a termination clause (6 month/180 day) included in the event of an economic downturn. The lessee would be required to remove the tower in the event of termination.

The Clerk was requested to forward additional back-up information to the Town Council. By general consensus it was agreed to discuss the matter at the April 1, 2008 Workshop and to place the matter on the April 10, 2008 agenda. Representatives from AT&T would be asked to be available via conference call for the workshop.

SECOND READINGS AND PUBLIC HEARING

None.

REPORTS

Town Attorney

Attorney Foster reported that the Town would be appearing before the Palm Beach County Planning Commission on Friday, April 11, 2008 concerning the application for a CRALLS designation along Belvedere Road.

He informed the Town Council that Palm Beach County Staff's recommendation was to deny the CRALLS. The Attorney questioned why in 2002 the County recommended a CRALLS for the same portion of Belvedere Road and was now recommending denial when the projects were similar.

In an effort to support the Town's case for the CRALLS, Mr. Foster would be relying on the 1992 Neighborhood Plan that was an adopted through an agreement between the Town of Haverhill and Palm Beach County. In that agreement, it was specific that low residential density would be encouraged and that under the transportation plan, the County had "scrapped" plans to widen Belvedere Road to six-lanes from Drexel to Military Trail. The Neighborhood Plan, although adopted in 1992 can not be considered outdated as it had contemplated the development of the McCraney and Duke properties and the widening of Southern and Okeechobee Boulevards along with the turnpike interchange at Jog Road..

The Town's traffic consultant believed the denial was premature as Belvedere Road may not even be impacted. Traffic counts have diminished and the affect to Belvedere Road from the widening of Southern Boulevard and Okeechobee Boulevard has not been accounted for.

In response to the County's contention that the congestion along Belvedere Road causes bottlenecking, Attorney Foster would explain that the residents of the Town would prefer congestion to six-laning the road. The Attorney will also bring up the point that the Town can set the speed limits within the Town's jurisdictional boundaries. The fact that there will be a Boys and Girls Club on the Linear Park property and a new elementary school being built on Stacy Street, would give even more credence to approve the CRALLS and reduce the speed limit along Belvedere Road. Widening Belvedere to six lanes would result in a dangerous situation and should be avoided for the safety of the children. He would be recommending the Town consider lowering the present 35 mile an hour speed limit.

Mr. Foster argued the County's assertion that there would be no physical constraints in the widening of the road. For example, residents in the Briarwood neighborhood could possibly lose land and in some cases part of their homes due to the right of way needed to widen the road.

At the Planning Commission Hearing, the Town would present their case first, with John Foster and John Kim, representing the Town. Andrea Troutman of Pinder Troutman Consulting will also make a presentation on behalf of the developers. The Attorneys on behalf of the Developers would be there but would not be making a presentation.

Council Vice President Foy inquired into whether the Town needed to do anything to protect the Neighborhood Plan. Attorney Foster gave a brief history as to the adoption of the Plan. Because it was a document approved through interlocal agreement between the Town and Palm Beach County, Attorney Foster confirmed its validity as written.

Discussion followed as to how Palm Beach County would be asking for a Boys and Girls Club and affordable housing units on the Linear Park property. The Linear Park property had a Conservation Easement running with the land that would prohibit building on all but one-acre of the parcel. He commented that had the residents in Timber Run agreed to annex into the Town, they would still have a park next to them and not the proposed use for the property.

Council Vice President Foy referred to the conceptual plan for the widening of Belvedere Road and stated that if the road were widened in accordance with the plan, the residential character of the Town would be destroyed as the Town would be dissected through medians that would require most residents to perform a u-turn to either egress or ingress their streets and/or driveways. He noted that the quality of life would be adversely affected.

Council Member Beavers commented on the number of vehicles that turn into the Briarwood subdivision.

Council President Woods reiterated the Town's support of the CRALLS and agreed that there may not even be the need for the CRALLS as Belvedere Road has not met capacity.

It was confirmed that the Planning Commission was an advisory committee to the Board of County Commissioners.

Attorney Foster referred to Staff's findings included in the 2002 CRALLS approval issued by County Staff.

Consultants

None.

Mayor' Report

Appointments to Boards & Committees

The Mayor recommended the following changes be made to the existing list of Boards and Committees:

Palm Beach County League of Cities:

Jerry Beavers, Delegate

James E. Woods, Alternate

Jay G. Foy, Alternate

Zoning Commission

Remove Frederick Ritter

Zoning Board of Appeals

Appoint Frederick Ritter

A motion was made by Council Member Uptegraph and seconded by Council Member Beavers and unanimously passed to approve the appointments to 2008/09 Committees as recommended by the Mayor.

The Mayor turned the floor over to Joseph Roche, Director of Public Works, who gave an update on the Rutherford Road Improvement Project. He reported that he anticipated the asphalt to be laid the beginning of the following week.

Assistant Town Administrator/Town Clerk

None.

Committee/Delegate Report

Council Member Beavers would be calling for a meeting of the Emergency Management Committee. The Clerk would make the necessary arrangements.

Council Vice President Foy would plan a meeting of the Code and Ordinance Committee for the first week in April. The Clerk would make necessary arrangements.

Council President Woods reported on the success of the Town Picnic. He added that the next event of the Special Events committee would be in June for the Friday after school closes.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

The Mayor reported that he had asked the Town Planner for an update on the progress of the E.A.R. based Comprehensive Plan Amendment. He hoped the report would be available for the next meeting of the Town Council.

Council President Woods informed all that the Annexation Committee would be moving forward with the recommendation for the annexation of the Ivywood property. The Annexation Committee was also looking into the annexation of Durham, Rosetta and Grove Streets.

With regard to the Resolution approving the Special Exception for the Haverhill Safe and Secure Storage Facility, Council Vice President Foy inquired as to certain terms and requirements set forth in the Conditions of Approval. Specifically, concerning the relocation requirements for the residents presently living in the trailer park. Council Vice President Foy confirmed that Staff would not be responsible for enforcing the relocation requirements in accordance with Chapter 723, rather that the onus for compliance would lie with the property owner.

Although the Conditions of Approval state that the Special Exception would expire in the event that a building permit did not issue within six months of approval, it was confirmed that there was a provision for a six month extension.

Attorney Foster explained that the six month requirement was taken directly from the Town's Ordinances and if the suggestion was to have the requirement removed; it could be brought before the Code and Ordinance Committee.

Council Vice President Foy noted that just to obtain certain other permits such as wetland permits, etc. could take longer than six months. He suggested that the provision needed to be reconsidered as it related to other permits.

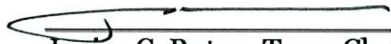
NEW BUSINESS

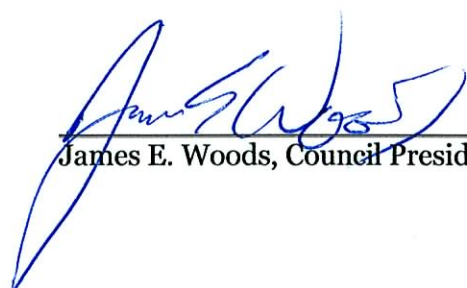
None.

ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 7:45 p.m.

Approved: April 24, 2008


Janice C. Rutan, Town Clerk


James E. Woods, Council President